

1 Hon. Richard A. Jones
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOHN D. KNECHT,

7 Plaintiff,
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9 v.
10 FIDELITY NATIONAL TITLE
11 Defendants.
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13 FIDELITY NATIONAL TITLE
14 INSURANCE COMPANY, et al.,
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Case No. C12-1575RAJ

**ORDER REGARDING INITIAL
DISCLOSURES, JOINT STATUS
REPORT, AND EARLY
SETTLEMENT**

I. INITIAL SCHEDULING DATES

13 The Court sets the following dates for initial disclosure and submission of the
14 Joint Status Report and Discovery Plan:

15 Deadline for FRCP 26(f) Conference: April 11, 2013

16 Initial Disclosures Pursuant to FRCP 26(a)(1): April 18, 2013

17 Combined Joint Status Report and Discovery
18 Plan as Required by FRCP 26(f)
19 and Local Civil Rule 26(f): April 25, 2013

20 The deadlines above may be extended only by the Court. Any request for an
21 extension should be made by telephone to Victoria Erickson, Courtroom Deputy, at
22 (206) 370-8517. If Defendants have appeared, the parties are directed to meet and confer
23 before contacting the court to request an extension.

If this case involves claims which are exempt from the requirements of FRCP 26(a) and 26(f), please notify Victoria Erickson, Courtroom Deputy, by telephone at (206) 370-8517.

II. JOINT STATUS REPORT & DISCOVERY PLAN

All counsel and any pro se parties are directed to confer and provide the Court with a combined Joint Status Report and Discovery Plan (the “Report”) by April 25, 2013. This conference shall be by direct and personal communication, whether that be a face-to-face meeting or a telephonic conference. The Report will be used in setting a schedule for the prompt completion of the case. It must contain the following information by corresponding paragraph numbers:

1. A statement of the nature and complexity of the case.
2. A proposed deadline for joining additional parties.
3. The parties have the right to consent to assignment of this case to a full United States Magistrate Judge, pursuant to 28 U.S.C. §636(c) and Local Rule MJR conduct all proceedings. The Western District of Washington assigns a wide range es to Magistrate Judges. The Magistrate Judges of this district thus have significant ence in all types of civil matters filed in our court. The parties should indicate er they agree that the Honorable James P. Donohue may conduct all proceedings ing trial and the entry of judgment. When responding to this question, the parties l only respond "yes" or "no." Individual party responses should not be provided. A response should be indicated only if all parties consent. Otherwise, a "no" response l be provided.

1 4. A discovery plan that states, by corresponding paragraph letters (A, B, etc.),
2 the parties' views and proposals on all items set forth in Fed. R. Civ. P. 26(f)(3), which
3 includes the following topics:

4 (A) initial disclosures;
5 (B) subjects, timing, and potential phasing of discovery;
6 (C) electronically stored information;
7 (D) privilege issues;
8 (E) proposed limitations on discovery; and
9 (F) the need for any discovery related orders.

10 5. The parties' views, proposals, and agreements, by corresponding paragraph
11 letters (A, B, etc.) on all items set forth in Local Civil Rule 26(f)(1), which includes the
12 following topics:

13 (A) prompt case resolution;
14 (B) alternative dispute resolution;
15 (C) related cases;
16 (D) discovery management;
17 (E) anticipated discovery sought;
18 (F) phasing motions;
19 (G) preservation of discoverable information;
20 (H) privilege issues;
21 (I) Model Protocol for Discovery of ESI; and
22 (J) alternatives to Model Protocol.

1 6. The date by which discovery can be completed.

2 7. Whether the case should be bifurcated by trying the liability issues before
3 the damages issues, or bifurcated in any other way.

4 8. Whether the pretrial statements and pretrial order called for by Local Civil
5 Rules 16(e), (h), (i), and (k), and 16.1 should be dispensed with in whole or in part for the
6 sake of economy.

7 9. Whether the parties intend to utilize the Individualized Trial Program set
8 forth in Local Civil Rule 39.2 or any ADR options set forth in Local Civil Rule 39.1.

9 10. Any other suggestions for shortening or simplifying the case.

10 11. The date the case will be ready for trial. The Court expects that most civil
12 cases will be ready for trial within a year after filing the Joint Status Report and
13 Discovery Plan.

14 12. Whether the trial will be jury or non-jury.

15 13. The number of trial days required.

16 14. The names, addresses, and telephone numbers of all trial counsel.

17 15. The dates on which trial counsel may have complications to be considered
18 in setting a trial date.

19 16. If, on the due date of the Report, all defendant(s) or respondent(s) have not
20 been served, counsel for the plaintiff shall advise the Court when service will be effected,
21 why it was not made earlier, and shall provide a proposed schedule for the required FRCP
22 26(f) conference and FRCP 26(a) initial disclosures.

1 17. Whether any party wishes a scheduling conference before the Court enters a
2 scheduling order in the case.

3 18. List the date(s) that each and every nongovernmental corporate party filed
4 its disclosure statement pursuant to Fed. R. Civ. P. 7.1 and Local Civil Rule 7.1.

5 19. Whether the parties consent to having hearings in this matter video
6 recorded as part of the Judiciary's Pilot Project on Cameras in the Courtroom, as set forth
7 in Section V below.

8 If the parties are unable to agree on any part of the Report, they may answer in
9 separate paragraphs. No separate reports are to be filed. If the parties wish to have a
10 status conference with the Court at any time during the pendency of this action, they
11 should notify Victoria Erickson, Courtroom Deputy, by telephone at (206) 370-8517.

13 **III. PLAINTIFF'S RESPONSIBILITY**

14 This Order is issued at the outset of the case, and a copy is sent by the clerk to
15 counsel for plaintiff (or plaintiff, if pro se) and any defendants who have appeared.
16 Plaintiff's counsel (or plaintiff, if pro se) is directed to serve copies of this Order on all
17 parties who appear after this Order is filed. Such service shall be accomplished within ten
18 (10) after each appearance. Plaintiff's counsel (or plaintiff, if pro se) will be responsible
19 for starting the communications needed to comply with this Order.

20 **IV. JUDGE-SPECIFIC PROCEDURAL INFORMATION**

21 All counsel and unrepresented parties should review Judge Jones' web page for
22 procedural information applicable to cases before Judge Jones. The judges' web pages,
23 in addition to the Local Rules, Electronic Filing Procedures for Civil and Criminal Cases,

1 court forms, instruction sheets, and General Orders, can be found on the Court's website
2 at www.wawd.uscourts.gov.

3 **V. PILOT PROJECT: CAMERAS IN THE COURTROOM**

4 The Western District of Washington is participating in the Judiciary's Pilot Project
5 on Cameras in the Courtroom. This project is a three-year study to evaluate the effects of
6 cameras in the courtrooms. Additional information about the Pilot Program can be found
7 at the U.S. Courts Cameras in Courts Website,

8 www.uscourts.gov/Multimedia/Cameras.aspx. This case is eligible to have proceedings
9 video recorded and made available to the public via the U.S. Court's and Western District
10 of Washington's web sites. Even if the parties consent in their joint status report, the
11 Court will not automatically record all proceedings in the case. Instead, parties must
12 provide consent to the recording of each proceeding in a case.

14 If the parties indicate that they consent in their joint status report, notice will be
15 sent prior to each scheduled proceeding seeking consent of all parties to have the
16 scheduled proceeding recorded. If all parties consent, and the judge approves, the
17 hearing will be recorded and made available to the public as part of the pilot project.
18 More information about this pilot project can be found on the Court's web site at
19 www.wawd.uscourts.gov/courtservices/camerasindex.htm.

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VI. EARLY SETTLEMENT CONSIDERATION AND NOTIFICATION

If settlement is achieved, counsel shall immediately notify Victoria Ericksen, Courtroom Deputy, at (206) 370-8517.

The parties are responsible for complying with the terms of this Order. The Court may impose sanctions on any party who fails to comply fully with this Order.

DATED this 12TH day of March, 2013.

/s/ Richard A. Jones
RICHARD A. JONES
United States District Judge